

September 14, 2010 Galloway, NJ

The Regular Meeting of the Galloway Township Council and Utilities Division was held on the above date at 6:30 PM in Council Chambers, 300 E. Jimmie Leeds Road, Galloway, NJ with Mayor Keith Hartman presiding. Council Members present were:

BASSFORD  
KLEINER

COPPOLA  
PURDY

GORMAN  
ULLMAN

Also present were: Township Manager Roger Tees, Engineer Kevin Dixon and Solicitor Michael Blee.

Township Clerk, Lisa A. Tilton read the following announcement: On January 6, 2010 notice of the meeting was mailed to The Mainland Journal, The Press, The Current, and duly posted in Council Chambers.

Mayor Keith P. Hartman requested a Moment of Silence.

Councilman Bassford led the flag salute.

On motion of Purdy, seconded by Bassford and carried the Regular Meeting Minutes of August 10, 2010 was approved as received: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

On motion of Purdy, seconded by Bassford and carried the Closed Session Meeting Minutes of August 10, 2010 was approved as to content only: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Abstain; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### PRESENTATION – DET. RICHARD HUENKE / GTPD EXPLORERS

Mayor Keith Hartman presented the GTPD Explorers and Advisors with Certificate of Recognitions for their win of the Director's Award Trophy and 1<sup>st</sup> Place at the PAL of NJ Law Enforcements Explorer Academy during the week of July 11-17, 2010.

#### PROCLAMATION – CONSTITUTION WEEK

Mayor Keith Hartman presented Suzanne Smith with a proclamation proclaimed the week of September 17<sup>th</sup> through September 23<sup>rd</sup> as Constitution Week.

#### DISCUSSION – FOUR SEASONS DRAINAGE

Township Engineer Kevin Dixon reported to Council the status of the K. Hovnanian developments and status of outstanding issues with bonds. In 2004 several of the lots were experiencing drainage problems. This was brought to K. Hovnanian's attention and an inventory was taken throughout the Four Seasons Community. Individual properties were assessed to the seriousness on the problems. In 2006 they agreed that a list was drawn up and a procedure was set forth by which the properties would be evaluated. The home owner could appeal any decisions that were made and the Township would then be involved in the determination and ultimate solution. Since 2006, K. Hovnanian has agreed to abide by every recommendation. K. Hovnanian has requested multiple Performance Guarantee Releases and with the exception of some minor punch list items, we believe these issues do not have to hold them up, we able to get a commitment from K. Hovnanian to fix these items. I recommend the releases can move forward.

#### DISCUSSION – NEW LEAF COURT BASIN

Township Manager Roger Tees reported to Council the status of the New Leaf Court Basin. We have meet with the residents at least three sessions in the past month or so. I've apologized to the residents who may not have been made aware of the projects beginnings. We have tried to keep them informed of the designs, engineering, tests and expert consultants we have retained to advise us on the adequacy of the basin.

Council opened the discussion to the public for comment on this topic only.

Wayne Arnold – Some of our concerns including landscaping has been addressed. Still have concerns. Questioned the testing and planning of the basin. Complained he was told that Galloway doesn't have to comply with our own ordinance. Stated the Best Manual Practices. Concerned if the basin overflows it will be directly at this home.

Donald Dearborn – Had a positive and productive meeting last night. Concerned on the process for this project and no one received notification of the project. Concerned with the Storm water Waste Management plan, concept of the landscaping. Appreciated the effort of Mr. Bonanni.

Mayor Hartman – Addressed the issue of process, I have asked the Manager and Clerks Office to formulate a policy change for us, one of the things that disturbed me the most with this situation was that residents weren't notified. I would like to see on our agenda in the near future is for the notification of development that the Township will take steps to notify any residents who have adjoining property for whenever we are doing any public project like this. It will be a little bit cumbersome for us but I think it's something if we initiate the process early enough we can get some of these issues addressed and out on the table in a predevelopment context so we can get input from the residents when we design these types of things. I agree things need to be better. When this was brought to our attention, we did step up, we did make sure you were listened to and educated on the why of the process. I apologize for the late notice. We can't proactively project everything that is going to happen, but we try. We will continue to listen and make sure your concerns are addressed by our professional. There will come a point when we have to take the advice of our professionals. I hope the residents can understand that.

Deputy Mayor Purdy - I agree with the residents we should follow the same rules as we would ask private developers to follow. I think that is something that fell through the cracks. What were going to change will take care of that.

Councilman Gorman - I agree with Councilman Purdy, can we also get meeting minutes that are behind and in the future so we have to discuss something we know what the summary is.

Township Engineer Dixon - There are separate tests that are being run. They are backup tests to ones that have already been run to assess the build up of ground water called a pump test. That will be run in the next couple weeks.

Debbie Arnold - I can see cars on Jimmie Leeds Road. For us to call the Township to find out what's going on, I felt violated. If we were advised in the beginning, we would have known what was going on.

Arnie Small - I do not see the basin from my house. What is the guarantee that my basement does not flood. There is no guarantee. Property is an important part of our lives.

Pamela Turk - I was on the Planning Board for 18 years. This basin never would have been approved in a residential area by a private developer. No private developer would ever have been allowed to flat clear to the property line or a 10 foot basin in a residential area that backs up to peoples backyards and hold 7 1/2 million gallons of water in a neighborhood with people who have basements. Somehow you have exempted yourself from your own Municipal Land Use Law.

Council Closed the Public Hearing portion and continued the meeting.

#### ORDINANCE # 1825- AMEND TWP CODE CHAPTER 41 CODE OF ETHICS

Mayor Keith Hartman asked if there was any public comment on the above Ordinance?

There was none.

On motion of Purdy seconded by Bassford and carried the above Ordinance passed final reading after public hearing on same: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### ORDINANCE # 1826- REPEAL & REPLACE LAND MGMT CODE CHAPTER 233-65 / GUARANTIES REQUIRED

On motion of Kleiner, seconded by Purdy and carried the above Ordinance was introduced: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### RESOLUTION # 215 - REFUND SEWER ESCROW ACCT / STOCKBRIDGE COURT

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### RESOLUTION # 216 - REFUNDING A LAND SALE DEPOSIT TO COUNTRY SETTINGS LLC

On motion of Bassford, seconded by Purdy and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### RESOLUTION # 217- AUTHORIZE THE RELEASE OF A CASH PERFORMANCE GUARANTEE

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### RESOLUTION # 218- CANCEL TAX SALE CERTIFICATE / REMICK

On motion of Kleiner, seconded by Purdy and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### RESOLUTION # 219 - CHARITABLE ROADWAY SOLICITATION APPROVAL

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### RESOLUTION # 220 - CANCEL & REFUND TAXES PD UNDER DISABLED VETERAN ACT / PER

On motion of Kleiner, seconded by Purdy and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### RESOLUTION # 221 - CANCEL & REFUND TAXES PD UNDER DISABLED VETERAN ACT / PRICE

On motion of Purdy, seconded by Kleiner and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

#### RESOLUTION # 222 - RENEW ALCOHOLIC BEVERAGE LICENSE / MARRIOTT SEAVIEW

On motion of Purdy, seconded by Bassford and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Abstain; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 223 – PLEDGE SUPPORT FOR NJ'S WILDLIFE ACTION PLAN

On motion of Bassford, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 224 – TEMPORARILY WAIVE LICENSE FEES ANNUAL DOG LICENSING / TAG FEES

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 225 – RELEASE PERFORMANCE GUARANTEE/WAIVE MAIN GUARANTEE – K HOV

On motion of Purdy, seconded by Kleiner and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 226 – AUTHORIZED REFUND OF ESCROW ACCT E-1-454 FOR SEWER LATERAL

On motion of Kleiner, seconded by Purdy and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 227 – DETERMINE FORM &amp; OTHER DETAILS OF NOT EXCEEDING \$2,088,250 BONDS

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 228 – EXECUTE &amp; DELIVER LOAN AGREEMENTS TO BE EXECUTED BY GT

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION – AUTHORIZE MAYOR TO EXECUTE AGREEMENT W/FIBER TECHNOLOGIES

On motion of Purdy, seconded by Gorman and carried the above Resolution was tabled: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 229 – CANCEL &amp; REFUND TAXES PD UNDER DISABLED VETERAN ACT / WEBER

On motion of Kleiner, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 230 – AUTHORIZE APPLICATION BY THE GT MUN DRUG ALLIANCE

On motion of Purdy, seconded by Coppola and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 231 – COMBINE ISSUES OF OBLIGATION BONDS OR NOTES INTO SINGLE BOND

On motion of Purdy, seconded by Ullman and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 232 – AUTHORIZE MAYOR TO EXECUTE AMENDED AGREEMENT WITH CHIEF MORAN

On motion of Kleiner, seconded by Purdy and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 233 – RATIFY EXECUTION OF SEPARATION AGREEMENTS WITH POLICE CAPTAINS

On motion of Kleiner, seconded by Purdy and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## CONSENT AGENDA – MOTION – NJ STATE FIREMEN'S MEMBERSHIP APPS/GARCIA

On motion of Purdy, seconded by Kleiner and carried the above Consent Agenda was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 234 – PAYMENT OF BILLS

On motion of Purdy seconded by Kleiner and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

## RESOLUTION # 235 – CLOSED SESSION

On motion of Purdy, seconded by Kleiner and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

Manager's Report begins on Tape #1 at #3120.

Council's Reports begins on Tape #1 at #3199.

Public Participation begins on Tape #1 at #3713

Council adjourned into Closed Session

Council returned into Open Session

RESOLUTION # 236 - DOES NOT OBJECT TO A SETTLEMENT RECOMMENDATION BY THE ACMJIF/MEL IN THE MATTER OF MARSHALL VS. GALLOWAY TOWNSHIP


On motion of Purdy, seconded by Kleiner and carried the above Resolution was adopted: (Roll Call Vote: Bassford, Aye; Coppola, Aye; Gorman, Aye; Hartman, Aye; Kleiner, Aye; Purdy, Aye; Ullman, Aye)

There being no further business on motion of Bassford seconded by Purdy and carried the meeting was adjourned.

APPROVED:

  
Mayor Keith P. Hartman

Respectfully submitted,

  
Lisa A. Tilton, Township Clerk